

### **Examiner's Amendment**

1. The after-final amendment filed October 13, 2009, is acknowledged. Notably, this amendment has not been entered because the amendment would have raised new issues that would require further consideration under e.g., 35 U.S.C. 112, first paragraph. However, rather than mailing an advisory action, the Examiner contacted Applicant's representative to see if Applicant would authorize an Examiner's amendment to place the action in condition for allowance. In this case, Applicant elected to enter the following Examiner's amendment which places the application in condition for allowance.

### **AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone message by Daniel Monaco on November 6, 2009.

3. The application has been amended as follows:

In the claims:

The prior set of claims has been replaced by the following set of claims:

1-17. (Cancelled)

18. (Currently Amended) A monoclonal antibody produced by ~~from~~ a hybridoma cell of ECACC Deposit No. 03073001, or an antigen-binding fragment of said monoclonal antibody.

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19.-22. (Canceled)

23. (Currently amended) A composition ~~diagnostic kit for diagnosing the presence of a cell selected from the group consisting of: astrocytoma cells; malignant melanoma secondary tumor cells; and primary breast carcinoma cells, the kit comprising the antibody according to Claim 18, or an antigen-binding fragment thereof according to claim 18.~~

24. (Currently amended) An immunoconjugate comprising ~~The diagnostic kit as claimed in Claim 23 in which the antibody or antigen-binding fragment~~ according to claim 18 and ~~comprises~~ a detectable label.

25. (Currently amended) ~~The diagnostic A kit as claimed in Claim 23 in which the kit comprises~~ comprising the antibody or antigen-binding fragment according to claim 18 and a secondary antibody which specifically binds said ~~the antibody according to claim 18 or said~~ antigen-binding fragment ~~of said antibody~~, which secondary antibody comprises a detectable label.

26. - 38. (Canceled)

39. (Previously presented) A hybridoma cell of ECACC Deposit No. 03073001.

40. (New) A composition comprising the immunoconjugate according to claim 24.

In the specification:

The following paragraphs of the specification have been replaced as indicated with the substitute paragraphs, which are listed in the following excerpts of Applicant's request for amendment filed October 13, 2009:

Please replace the paragraph at page 16, lines 26-31, with the following amended paragraph:

G-CCM Cell cDNA Library Synthesis

A Total RNA Isolation from G-CCM cells

This was performed using TEL-TEST RNA Stat-60, following the manufacturer's their guidelines. Web Site [www.tel-test-diagnostics.com/mo-stat-60-reagent/doc.html](http://www.tel-test-diagnostics.com/mo-stat-60-reagent/doc.html)

Please replace the paragraph at page 17, lines 1-5, with the following amended paragraph:

B mRNA Purification from Total RNA

This was performed using Invitrogen's FASTTRACK 2.0 Kit, following their guidelines. Web Site [www.invitrogen.com/content/cfi?pageno=3443&cid=330835&token=33475959#FastTrack](http://www.invitrogen.com/content/cfi?pageno=3443&cid=330835&token=33475959#FastTrack)

Please replace the paragraph at page 17, lines 7-12, with the following amended paragraph:

C cDNA Library Synthesis from mRNA

This was performed using a Stratagene cDNA synthesis kit (following their protocol, [1]).  
Stratagene ZAP EXPRESS cDNA Synthesis Kit Instruction Manual].  
[www.stratagene.com/manuals/200403.doc.pdf](http://www.stratagene.com/manuals/200403.doc.pdf)

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### **Conclusion**

4. Claims 18, 23-25 and 39-40 have been allowed.
5. Claims 18, 23-25 and 39-40 have been renumbered as claims 1-6, respectively.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brad Duffy whose telephone number is (571)

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272-9935. The examiner can normally be reached on Monday through Friday 7:00 AM to 4:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on (571) 272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully,  
Brad Duffy  
571-272-9935

/Stephen L. Rawlings/  
Primary Examiner, Art Unit 1643

/bd/  
Examiner, Art Unit 1643  
November 7, 2009